

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RAYMOND E. BLAKE, :  
 :  
 Plaintiff, :  
 :  
 v. : Civil Action No. 07-230-JJF  
 :  
 C.M.S., et al., :  
 :  
 Defendants. :

ORDER

WHEREAS, Plaintiff, Raymond E. Blake ("Blake"), was incarcerated at the Howard R. Young Correctional Institution, Wilmington, Delaware at the time he filed his Complaint under 42 U.S.C. § 1983, along with an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915;

WHEREAS, the Court entered an Order granting Blake leave to proceed in forma pauperis and required Blake to pay the \$350.00 filing fee as determined by statute, and further assessed Blake an initial partial filing fee of \$19.15 (D.I. 8);

WHEREAS, no monies have been paid towards the filing fee owed;

WHEREAS, on October 16, 2007, the Court was notified that Blake is no longer incarcerated (D.I. 16);

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. Robbins v. Switzer, 104 F.3d 895, 899

(7<sup>th</sup> Cir. 1997); see also Drayer v. Attorney General, Nos. 03-2517, 03-2518, 81 Fed. Appx. 429 (3d Cir. 2003).

THEREFORE, at Wilmington this 30 day of October, 2007, IT IS HEREBY ORDERED that within thirty days from the date of this Order, Plaintiff Raymond E. Blake, shall either pay the filing fee owed (\$350.00) **or** submit a new standard form application to proceed without prepayment of fees and affidavit so the Court may determine whether he is still eligible to proceed in forma pauperis.

**NOTE: Plaintiff Raymond E. Blake's failure to timely comply with this Order shall result in dismissal of the case without prejudice.**

  
UNITED STATES DISTRICT JUDGE